

### REMARKS

These remarks are in response to the non-final Office Action of 16 August 2006, in which the pending claims 1-3, 5-9, 11-27, and 29-33 were rejected under 35 USC § 103(a) as being unpatentable over *Lupien* (US 6463055), which is a new ground of rejection. This is a different *Lupien* from the reference previously relied upon (US 6,389,008). The present independent claims are network claim 1, method claim 21, apparatus claim 27, and apparatus claim 31.

The independent claims are now amended without prejudice, merely in order to expedite prosecution of the present application. All of the amendments are fully supported by the specification as originally filed, and the amendments introduce no new matter.

Claim 1 is now amended to emphasize that the network control device is a serving network control device. This is supported at least by page 7, lines 22-23 of the application as originally filed, and also by claim 1 of the application as originally filed.

Claim 1 is further amended to emphasize that the control plane is separated from the user plane. This is supported at least by page 5 of the application originally filed, lines 24-25.

Claim 1 is also amended to clarify that the gateway device is non-serving. This is supported at least by page 7 of the application as originally filed, lines 29-32 which state that the gateway may be integrated into an MSC which may be non-serving.

The Office Action now mainly focuses on Fig. 5 of *Lupien* '055, which illustrates a basic concept showing, for example, a gateway device GGSN 33 to a packet data network PDN, an SGSN 32 providing an interface to a RAN, BS 49 and further to a mobile end system M-ES 51 and a terminal equipment TE 52.

The Office Action equates the gateway device of the present claim 1 with a combination of GGSN 33 and SGSN 32 in Fig. 5 of *Lupien* '055. Based on this purported combination, the Office Action argues that the "gateway device" (SGSN 32 + GGSN 33) of *Lupien* '055 would be able to route user data directly from the RAN to the "gateway device", whereas control information would be carried over other interfaces.

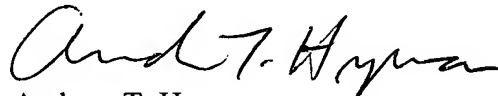
Among other things, the present amendments clarify that user plane handing and control plane handing are separated, and that the control device and the gateway device are

different types of devices. The Office Action uses SGSNs as prior art for both types of devices (SGSN 32 and SGSN 35 in prior art). However, in the present independent claims as amended, the signaling is transmitted between the control plane device and the user plane device (via the second interface). The SGSN cannot represent both of these in prior art.

**CONCLUSION**

The rejections of the non-final Office Action having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of the pending claims to issue is earnestly solicited.

Respectfully submitted,



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